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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,761

11/06/2006

Kris Vandermeulen

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9126

4743

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04/16/2010

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EXAMINER

FERGUSON SAMRETH, MARISSA LIANA

ART UNIT

PAPER NUMBER

2854

MAIL DATE

DELIVERY MODE

04/16/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/593,761	Applicant(s) VANDERMEULEN, KRIS	
	Examiner MARISSA L. FERGUSON-SAMRETH	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/24/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

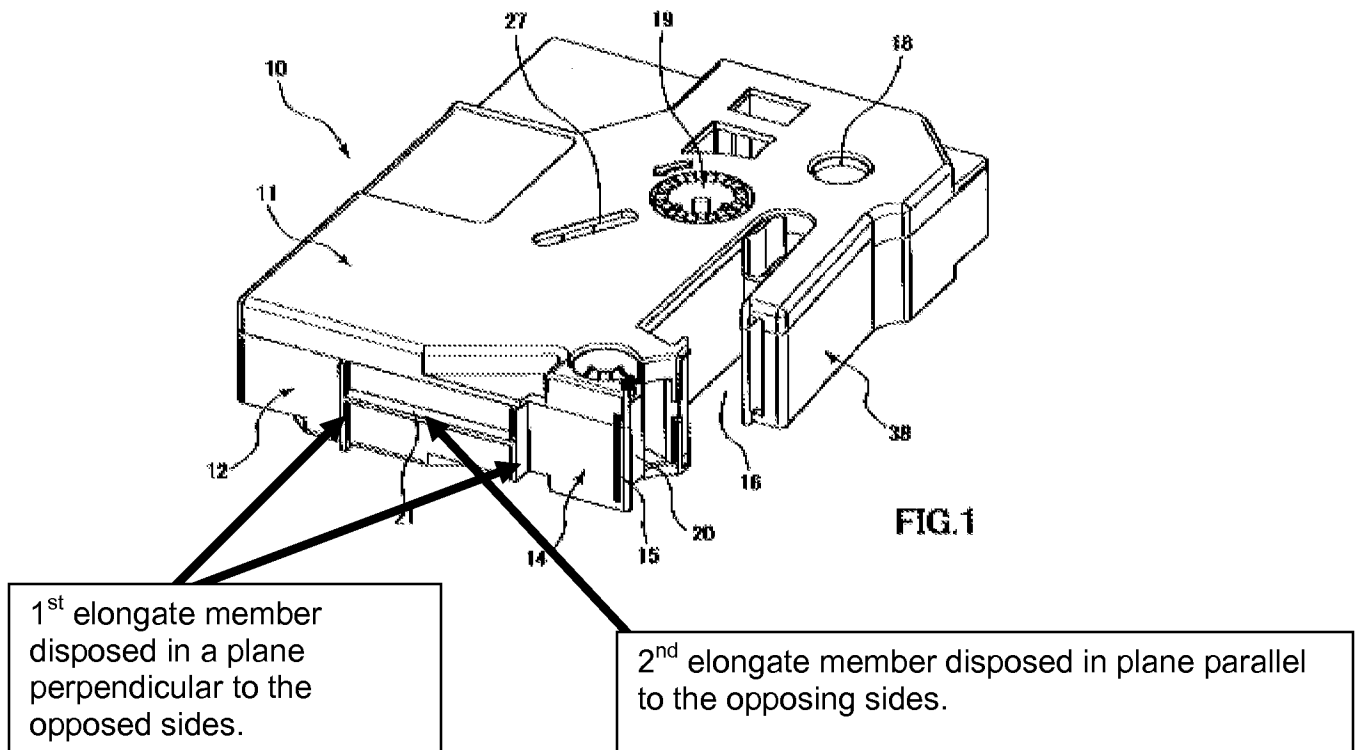
Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huss al. (US Patent 6,520,696) in view of Takeuchi (US Patent 6,923,660).

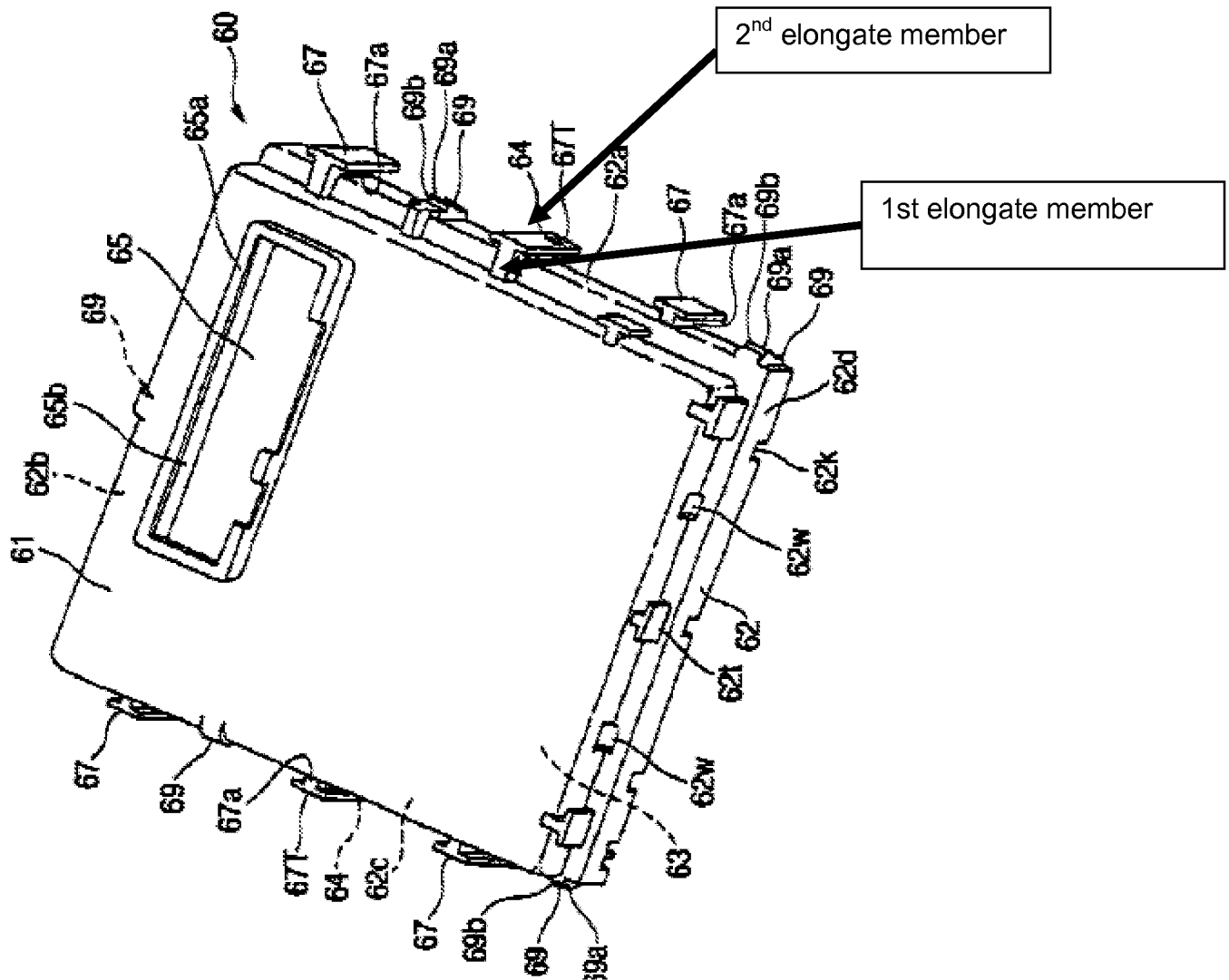
Regarding claim 25, Huss et al. teaches a body (10) having a base (25), a top (11), and sides (24 and side opposite of side 24) extending from the base to the top, the body housing a roll of print receiving medium (13, 23) having an axis of rotation extending in a first direction from the base to the top (Figure 2), the body having a guide member (21,22) on each of two opposing sides extending along said sides in a second direction perpendicular to the first direction (Figure 1) for guiding the tape cassette into a tape printer (Abstract) in the second direction and locating the tape cassette in the tape printer (Column 1, Lines 7-13), wherein each guide member extends outwardly from its respective side (Figures 1 and 3) and comprises a first elongate member disposed in a plane perpendicular to a plane of its respective side and a second elongate member disposed in a plane parallel to the plane of the respective side (refer to figure in the detailed action on page 3).



However, Huss et al. does not explicitly disclose wherein said first elongate member having a first end attached to its respective side and a second end spaced from its respective side, and wherein said second elongate member is attached to said second end of said first elongate member and extends at least partially along a length of said second end and wherein each guide member has a substantially T-shaped cross section.

Takeuchi teaches wherein a first elongate member (67, 67U, 67T) having a first end attached to a respective side and a second end spaced from a respective side, and wherein a second elongate member (67, 67U, 67T) is attached to a second end of a first elongate member and extends at least partially along a length of a second end (refer to figure on page 4 of the detailed

action) and wherein each guide member has a substantially T-shaped cross section (figure below).



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by Takeuchi for the purpose of providing a tight, secure connection thereby preventing an erroneous mounting of the apparatus.

2. Claims 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huss al. (US Patent 6,520,696) in view of Harase (US Patent 5,155,663).

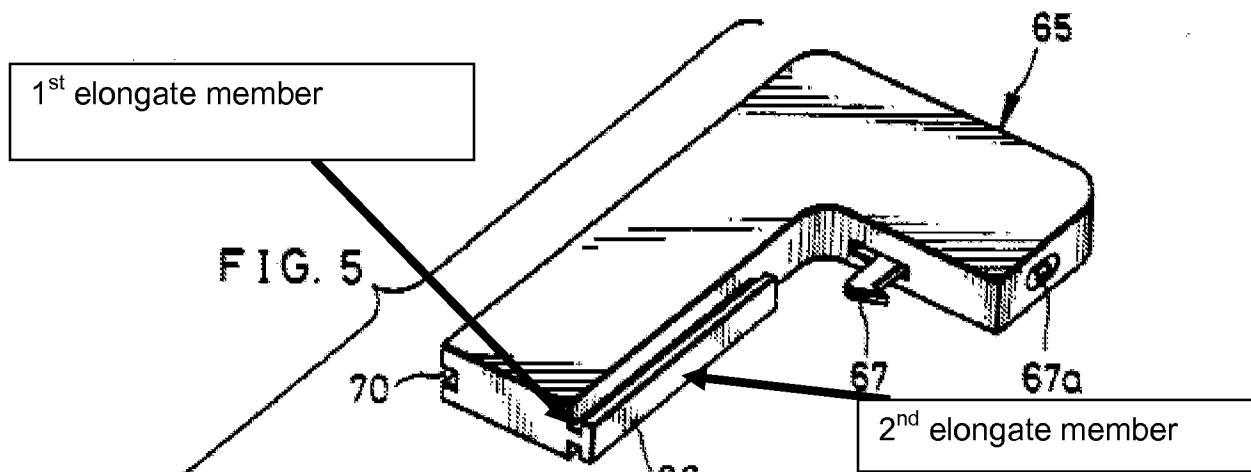
Regarding claim 25, Huss et al. teaches a body (10) having a base (25), a top (11), and sides (24 and side opposite of side 24) extending from the base to the top, the body housing a roll of print receiving medium (13, 23) having an axis of rotation extending in a first direction from the base to the top (Figure 2), the body having a guide member (21,22) on each of two opposing sides extending along said sides in a second direction perpendicular to the first direction (Figure 1) for guiding the tape cassette into a tape printer (Abstract) in the second direction and locating the tape cassette in the tape printer (Column 1, Lines 7-13), wherein each guide member extends outwardly from its respective side (Figures 1 and 3) and comprises a first elongate member disposed in a plane perpendicular to a plane of its respective side and a second elongate member disposed in a plane parallel to a plane of its respective side (refer to figure in the detailed action on page 3).

However, Huss et al. does not explicitly disclose wherein said first elongate member having a first end attached to its respective side and a second end spaced from its respective side, and wherein said second elongate member is attached to said second end of said first elongate member and extends at least

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partially along a length of said second end and wherein each guide member has a substantially T-shaped cross section.

Harase teaches wherein a first elongate member (66) having a first end attached to a respective side and a second end spaced from a respective side, and wherein a second elongate member (66) is attached to a second end of a first elongate member and extends at least partially along a length of a second end (refer to figure below) and wherein each guide member has a substantially T-shaped cross section (see figure below).



It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Huss et al. to replace the elongate members thereof with the elongate members as taught by Harase for the purpose of providing a tight, secure connection thereby preventing an erroneous mounting of the apparatus.

Response to Arguments

3. Applicant's arguments filed 1/22/10 have been fully considered but they are not persuasive. With response to remarks on page 4, "First the latching rib 21 of Huss fulfills a specific function, *i.e.* to engage with a latch member in the tape printer. Latching member 21 is therefore shaped so as to fulfill this function. In particular it has a horizontally arranged planar surface to fulfill this function", the examiner notes that the tape printer is not part of the structure of the tape cassette, therefore the cassette is capable of being attached to a tape printer that would be able to properly latch with a cassette produced from a combination of the prior arts of Huss and Tekuchi.

With respect to applicant's remarks on page 5, "As discussed above with respect to the proposed combination or modification of Huss in view of Takeuchi, the proposed combination or modification of Huss in view of Harase would likewise be contrary to the teachings of those references", the examiner notes that the tape printer is not part of the structure of the tape cassette, therefore the cassette is capable of being attached to a tape printer that would be able to

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properly latch with a cassette produced from a combination of the prior arts of Huss and Harase.

4. In response to applicant's argument that Takeuchi and Harase is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Takeuchi teaches a box and Harase teaches a cartridge, both teach an outer structure with attachments/guide members that are capable of being inserted into another apparatus such as recording device in Harase.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA L. FERGUSON-SAMRETH whose telephone number is (571)272-2163. The examiner can normally be reached on (Monday-Thursdays) 8:30am-2:30pm and 5:30pm-8:30pm and (Fridays) 8:30am-12:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MARISSA FERGUSON-SAMRETH/
Examiner, Art Unit 2854

/Ren L Yan/
Primary Examiner, Art Unit 2854

